

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CORWIN DALLAS FOUR STAR,

Plaintiff,

vs.

SEAN RED BOY, et al.,

Defendants.

CV 15-21-GF-BMM

ORDER

Plaintiff Corwin Four Star (Four Star) is a federal prisoner proceeding *pro se*. Four Star filed a Complaint on February 24, 2015. The named Defendants are: Sean Red Boy, William Mercer, Lori Suek, Michael Cotter, Fort Peck Tribes, Unknown FBI Agent, State of Montana, McCone County, Barry Bighorn, Unknown Great Falls Assistant U.S. Attorney, Dana Christen [sic], an unknown probation officer, an unknown McCone County Sheriff, Fort Peck Tribal Board members, Roosevelt County, and others who signed the 2001 and 2003 Fort Peck Tribal State Cross Deputization Agreements. (Doc. 2 at 1-2, 9). Four Star alleges that the Defendants violated his rights under the United States Constitution in contravention of 42 U.S.C. § 1983: 1) by entering into an agreement to increase the number of federal indictments for crimes committed on the Fort Peck Indian Reservation; 2) by lowering the federal evidentiary threshold for federal indictments of Native

Americans from plausible to viable; 3) by removing material elements from his March 6, 2013, federal Indictment in Cause CR 13-25-GF-DLC; 4) by failing to fully and fairly investigate the charges against him in Cause CR 13-25-GF-DLC; and 5) by allowing an unknown McCone County Sheriff to enter the Fort Peck Reservation and question him pursuant to invalid Fort Peck Tribal State Cross Deputization Agreements. (Doc. 2 at 4-10).

United States Magistrate Judge John Johnston issued Findings and Recommendations in this matter on March 16, 2015. (Doc. 4). Judge Johnston recommended that all of Four Star's claims be dismissed because they are, in essence, challenges to Four Star's June 10, 2013, criminal conviction in Cause CR 13-25-GF-DLC and, as such, are barred by the pronouncement of the United States Supreme Court in *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Four Star did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full. To recover damages under § 1983 for an allegedly unconstitutional conviction, or for harm caused by unlawful actions that would render a conviction invalid, a plaintiff must show that

his conviction has been reversed on appeal, declared invalid, called into question by the issuance of a habeas writ, or expunged. *Heck*, 512 U.S. 486-87. Four Star's conviction in Cause CR 13-25-GF-DLC has not been reversed, declared invalid, expunged, or called into question. Four Star's claims are barred by *Heck*.

Accordingly, IT IS ORDERED:

1. Four Star's Complaint (Doc. 2) is DISMISSED with prejudice.
2. Any appeal of this decision would not be taken in good faith as Four Star's claims are frivolous.
3. The Clerk is directed to enter judgment accordingly.

DATED this 29th day of April, 2015.



Brian Morris
United States District Court Judge